



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

In the Matter of: )  
 )  
Borla Performance Industries, Inc., ) Docket No. CAA-09-2020-0044  
 )  
Respondent. )

**ORDER ON JOINT MOTION FOR EXTENSION OF TIME**

The undersigned issued a Prehearing Order, dated October 19, 2020, that set certain deadlines by which the parties to this proceeding were to file with the Tribunal and serve on each other a sequence of prehearing exchanges pursuant to 40 C.F.R. § 22.19(a). The first such deadline is December 4, 2020.

The parties filed a Joint Motion for Extension of Time for Filing Prehearing Exchange (“Joint Motion”) on November 17, 2020. In the Joint Motion, the parties “request[] that the Presiding Officer extend the time set forth in the Prehearing Order . . . for the parties to file their Prehearing Exchange submissions by approximately five weeks[.]” J. Mot. at 1. The parties state that they foresee “challenges in gaining access to witnesses and consulting with key clients and stakeholders” given “the proximity of the Prehearing Exchange deadlines to the holidays[.]” J. Mot. at 1. The parties also claim that, due to holiday schedules, “the current deadlines if not extended will create substantial inconvenience to all participants and counsel.” J. Mot. at 1. The parties cite the coronavirus pandemic, asserting that “the need to conduct all activities safely . . . has created multiple challenges for counsel in preparing the submissions.” J. Mot. at 1-2. The parties declare that these reasons are “good cause” to grant the Joint Motion. J. Mot. at 2. The parties affirm that “[n]o prejudice to any party will occur as the parties are in agreement with respect to the proposed schedule extension, and [the Joint Motion] is made in a timely manner[.]” J. Mot. at 2. The parties then suggest new deadlines for filing their prehearing exchanges (and for the filing of a fully-executed Consent Agreement and Final Order, should the parties reach a settlement). J. Mot. at 2.

Under the Consolidated Rules of Practice governing this proceeding, set out at 40 C.F.R. Part 22, “the Presiding Officer may grant an extension of time for filing any document[] upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties[.]” 40 C.F.R. § 22.7(b). Accordingly, I find good cause exists to grant the Joint Motion and that no party will be prejudiced by doing so. The Joint Motion is **GRANTED**. The new deadlines are set out as such:

If the case is settled, a fully-executed Consent Agreement and Final Order shall be filed with the Regional Hearing Clerk no later than **Friday, January 8, 2021**. A courtesy copy of the fully-executed Consent Agreement and Final Order shall be filed with the Headquarters Hearing Clerk on or before that date. If the case is not settled, the parties shall prepare for hearing and comply with the requirements regarding the prehearing exchange of information set out in the

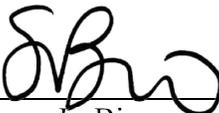
Prehearing Order.

The prehearing exchanges called for in the Prehearing Order shall be filed pursuant to the following schedule:

<b>Friday, January 8, 2021</b>	<b>Complainant's Initial Prehearing Exchange</b>
<b>Friday, February 12, 2021</b>	<b>Respondent's Prehearing Exchange</b>
<b>Friday, February 26, 2021</b>	<b>Complainant's Rebuttal Prehearing Exchange</b>

Any remaining deadlines set by the Prehearing Order, such as that for filing a joint motion for the appointment of a neutral, are extended accordingly.

**SO ORDERED.**

  
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Susan L. Biro  
Chief Administrative Law Judge

Dated: November 23, 2020  
Washington, D.C.

In the Matter of *Borla Performance Industries, Inc.*, Respondent.  
Docket No. CAA-09-2020-0044

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **Order on Joint Motion for Extension of Time**, dated November 23, 2020, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.

  
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Attorney-Advisor

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*For Respondent*

Dated: November 23, 2020  
Washington, D.C.